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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,169

02/17/2004

David J. Waller

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03/03/2009

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EXAMINER

UHLLENHAKE, JASON S

ART UNIT

PAPER NUMBER

2853

NOTIFICATION DATE

DELIVERY MODE

03/03/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/780,169	Applicant(s) WALLER ET AL.	
	Examiner JASON S. UHLENHAK	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-45, 55 and 56 is/are allowed.
- 6) ☒ Claim(s) 46, 49 and 51 is/are rejected.
- 7) ☒ Claim(s) 47, 48, 50 and 52-54 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 46, 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Waller et al (U.S. Pub. 2004/0212656)

Waller et al discloses:

- ***regarding claim 46***, means for translating (32) a means for servicing (54, 76, 78) the print head (Figures 2-5; Paragraphs 0015-0017), the means for translating biased to move from a translating position to a non-translating position out of contact with the means for servicing (Figures 7-9; Paragraph 0022)
- the means for servicing the print head, said means for servicing including means for retaining (78) the means for translating (32) in engagement with the means for servicing (54, 76, 78) in a predetermined zone (132) of engagement of the means for retaining (78) (Figure 2; Paragraphs 0022-0023)
- ***regarding claim 49***, means for powering the means for translating, wherein the means for translating engages the means for servicing and the means for powering in the translating position (Figure 2; Paragraph 0011)

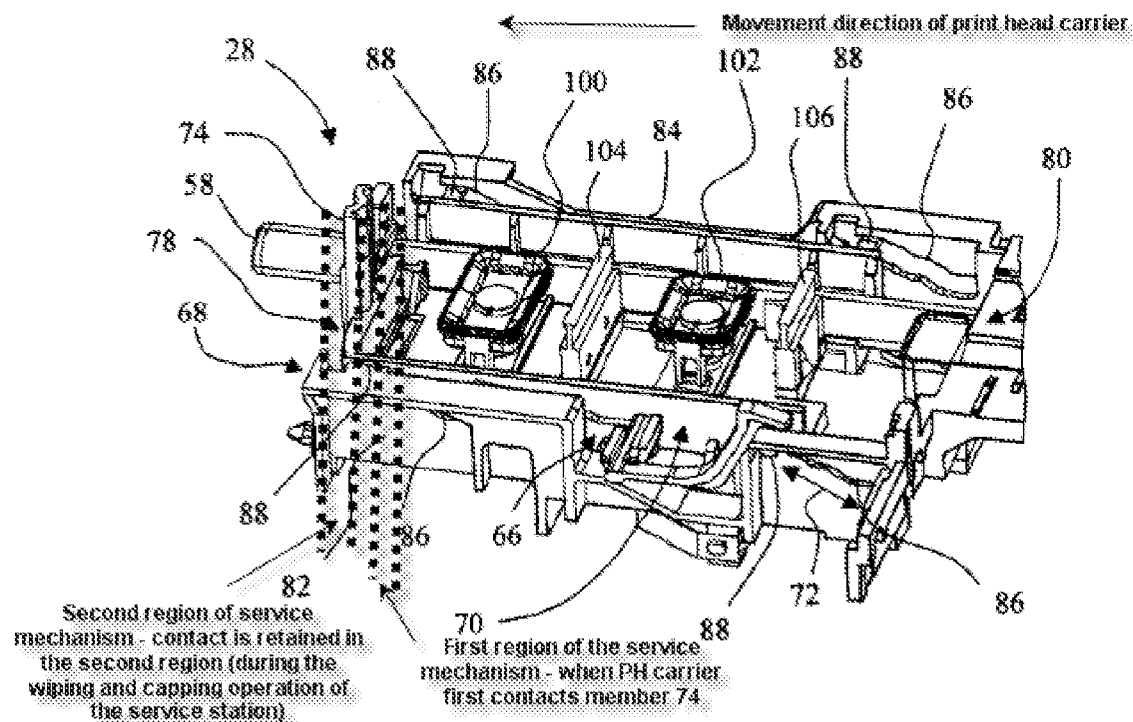
Claim 51 is rejected under 35 U.S.C. 102(e) as being anticipated by Griesemer et al (U.S. Pub. 2004/0252154)

Griesemer et al discloses:

- ***regarding claim 51***, a method of actuating a servicing mechanism to service a print head, comprising: translating a translation device (print head carrier 32) into engagement with a first region (when the print head carrier first contacts the engagement member) of a servicing mechanism (sled 70 which includes engagement member 74, wipers 104 and 106, and caps 100 and 102)
- powering (Abstract; carrier motor) the translation device such that the servicing mechanism is moved with respect to the translation device (Figures 1-2, 5; Paragraph 0037) and such that a second region (wiping and capping region) of the servicing mechanism is moved into engagement with the translation device, the second region retaining the translation device in contact with the servicing mechanism.

The leftward movement of the print head carrier contacts the engagement member of the service station and causes the sled to move left and upward. The print head carrier will engage the first and second regions of the servicing mechanism as it continues to move leftward. (Please refer to the figure below)

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Response to Arguments

Applicant's arguments with respect to claims 46, 49 and 51 have been considered but are moot in view of the new ground(s) of rejection. Please see the above rejections.

Allowable Subject Matter

Claims 47-48, 50, and 52-54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the indication of allowable subject matter of claims 47-48, 50 is the inclusion of the limitation of comprising means for shifting the means for translating between the translating position and the non-translating position, the means for shifting biased to translate the means for translating into the disengaged position in the absence of an external force on the means for shifting. It is this limitation found in each of the claims, as it is claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the indication of allowable subject matter of claims 52-54 is the inclusion of the limitation of wherein the step of moving the translation device comprises moving a print head carriage into contact with an actuation device so as to move the actuation device from a non-actuated condition to an actuated condition, wherein movement of the actuation device from the non-actuated position to the actuated position moves the translation device from a disengaged position into engagement with the first region of the servicing mechanism. It is this limitation found in each of the claims, as it is claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

Claims 1-45, 55-56 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

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The primary reason for the allowance of claims 1-12 and 30 is the inclusions of the limitation of an axially movable driveshaft include a gear; and a sled including first and second engagement structures each adapted to selectively engage the gear and a retaining structure positioned between the first and second engagement structures. It is this limitation found in each of the claims, as it is claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 13-19 is the inclusions of the limitation of first and second sleds; a servicing station drive structure movable between a disengaged position, a first engaged position, and a second engaged position, said drive structure in the first engaged position engaging the first engagement structure and said drive structure in the second engaged position engaging the second engagement structure; and a biasing member that biases the servicing station drive structure to move from the first engaged position to the second engaged position. It is this limitation found in each of the claims, as it is claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 20-23 is the inclusions of the limitation of means for translating the means for servicing the print head, the means for translating operable to move from a first translating position in engagement with the first means for engaging to a second translating position in engagement with the second means for engaging. It is this limitation found in each of the claims, as it is claimed in

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the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 24-28 is the inclusion of the method step of powering the translation device such that the first servicing mechanism is moved with respect to the translation device to translate the retaining region such that the translation device is positioned out of the retaining region; and translating the translation device into engagement and contact with a second region of a second servicing mechanism such that the second servicing mechanism is moved with respect to the translation device. It is this step found in each of the claims, as it is claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claim 29 is the inclusion of the limitation of a printer comprising a servicing sled positioned within the servicing region and including a spittoon, a wiper, a cap, first and second racks and a guide wall positioned between the racks, the guide wall including a retaining region and an access region; a servicing sled drive shaft powered by the feed roller drive shaft, the servicing sled drive shaft including a gear slidably mounted thereon, and a biasing member secured to the shaft and the gear, the servicing sled drive shaft movable between a disengaged position where the gear is not in contact with the servicing sled and an engaged position where the gear is movable between contact with the first rack and second rack; wherein the biasing member biases the gear to move from the first rack to the second rack when the gear is aligned with the access region of the guide wall and wherein the retaining wall

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retains the gear on the first rack when the gear is positioned adjacent the retaining region of the guide wall. It is this limitation found in each of the claims, as it is claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 31-41, 55-56 is the inclusions of the limitation of a sled including a rack gear, wherein the driveshaft is axially shiftable from a disengaged position in which the pinion gear is out of contact with the rack gear to an engaged position in which the pinion gear is in meshing contact with the rack gear. It is this limitation found in each of the claims, as it is claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 42-45 is the inclusions of the limitation of a sled including an engagement structure; the driveshaft moveable between an engaged position and a disengaged position, the driveshaft in the engaged position engaging the power shaft and the engagement structure of the sled so as to transmit power from the power shaft to the sled. It is this limitation found in each of the claims, as it is claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON S. UHLENHAKE whose telephone number is (571)272-5916. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JASON S UHLENHAKE/
Examiner, Art Unit 2853
February 23, 2009

/Julian D. Huffman/
Primary Examiner, Art Unit 2853